

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV64-MU-02

DAVID LEE SMITH, on behalf of him-)
self and all others similarly)
situated,)
Plaintiffs,)

v.)

ORDER

THE STATE OF NORTH CAROLINA;)
GOVERNOR MICHAEL EASLEY;)
THE COUNTY OF LEE, NORTH CAROLINA;)
and)
SHERIFF BILLY BRYANT,)
Defendants.)

THIS MATTER comes before the Court on Plaintiff's Motion to Vacate the Court's Transfer Order (Doc. No. 3). However, the record of this matter reflects that since the time that this Motion was filed, Plaintiff unsuccessfully attempted to appeal this Court's transfer Order, and his case was transferred to the United States District Court for the Middle District of North Carolina. Accordingly, the instant Motion (Doc. No. 3) is **DISMISSED as moot.**

SO ORDERED .

Signed: April 8, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

